

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

MEGAN DUKES, *et al.*,

Plaintiffs,

Case No. 3:20-cv-144

vs.

MCCLAY TRANSPORTATION  
USA, LLC, *et al.*,

District Judge Michael J. Newman

Defendants.

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**ORDER SETTING A BRIEFING SCHEDULE ON DEFENDANTS' EMERGENCY  
MOTION TO STAY BRIEFING AND RULING ON THEIR MOTION FOR SUMMARY  
JUDGMENT PENDING RULING ON MOTIONS *IN LIMINE* AND NECESSARY  
DISCOVERY (DOC. NO. 63)**

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This case is before the Court on Defendants' opposed emergency motion to stay briefing on their summary judgment motion pending a ruling on their motions *in limine* and completion of necessary discovery ("stay motion"). Doc. No. 63. Defendants have filed two summary judgment motions in this case. Doc. Nos. 49, 52. Their instant motion concerns their first-filed summary judgment motion ("MSJ 1"). Doc. No. 49. Plaintiffs, in opposition to Defendants' MSJ 1, attached affidavits from Robert and Tamara Finn, two fact witnesses. Doc. No. 57-1. Defendants never deposed the Finns despite their appearance on Plaintiffs' Rule 26 witness disclosures. Doc. No. 63 at PageID 2408; *see also* Doc. No. 29 at PageID 105. Defendants now seek to stay MSJ 1's briefing schedule while they depose the Finns. *Id.* Defendants also seek an expedited ruling on their motions *in limine* before their reply brief is due. *Id.* at PageID 2408.

To timely decide Defendants' emergency stay motion, the Court sets the following briefing schedule: Plaintiffs shall file an opposition memorandum in response to Defendants' stay motion

on or before **May 16, 2022**. Defendants shall file their reply, if they choose to reply, on or before **May 18, 2022**. The parties should address the following:

1. Whether Defendants' request to reopen discovery for the limited purpose of deposing the Finns is justified under the motion for further discovery factors set forth in *Doe v. City of Memphis*, 928 F.3d 481, 491 (6th Cir. 2019);
2. Whether any court has decided that movants like Defendants are eligible for the relief described in Fed. R. Civ. P. 56(d); and
3. Whether granting Defendants' stay motion would require the re-briefing of Defendants' memorandum in support of and Plaintiffs' memorandum in opposition to Defendants' MSJ 1.

The foregoing should not be construed as any indication of how the Court may rule on Defendants' emergency stay motion. The current briefing schedule on Defendants' MSJ 1 remains in effect absent further Court order.

**IT IS SO ORDERED.**

Date: May 11, 2022

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge